



General Assembly

January Session, 2009

Substitute Bill No. 1031

* SB01031JUD__033009__ *

AN ACT CONCERNING MURDER AND INHERITANCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-447 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) (1) A person finally adjudged guilty, either as the principal or
4 accessory, of any crime under section 53a-54a, [or] 53a-54b, 53a-54c,
5 53a-54d, 53a-55 or 53a-55a, or in any other jurisdiction, of any crime,
6 the essential elements of which are substantially similar to such crimes,
7 or a person determined to be guilty under any of said sections
8 pursuant to this subdivision, shall not inherit or receive any part of the
9 estate of (A) the deceased, whether under the provisions of any act
10 relating to intestate succession, or as devisee or legatee, or otherwise
11 under the will of the deceased, or receive any property as beneficiary
12 or survivor of the deceased, [; and such person shall not inherit or
13 receive any part of the estate of] or (B) any other person when such
14 homicide or death terminated an intermediate estate, or hastened the
15 time of enjoyment. For the purposes of this subdivision, an interested
16 person may bring an action in the Superior Court for a determination,
17 by a preponderance of the evidence, that an heir, devisee, legatee or
18 beneficiary of the deceased who has predeceased the interested person
19 would have been adjudged guilty, either as the principal or accessory,
20 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a had
21 the heir, devisee, legatee or beneficiary survived.

22 (2) With respect to inheritance under the will of the deceased, or
23 rights to property as heir, devisee, legatee or beneficiary of the
24 deceased, the person whose participation in the estate of another or
25 whose right to property as such heir, devisee, legatee or beneficiary is
26 so prevented under the provisions of this section shall be considered to
27 have predeceased the person killed.

28 (3) With respect to property owned in joint tenancy with rights of
29 survivorship with the deceased, such final adjudication as guilty shall
30 be a severance of the joint tenancy, and shall convert the joint tenancy
31 into a tenancy in common as to the person so adjudged and the
32 deceased but not as to any remaining joint tenant or tenants, such
33 severance being effective as of the time such adjudication of guilty
34 becomes final. When such jointly owned property is real property, a
35 certified copy of the final adjudication as guilty shall be recorded by
36 the fiduciary of the deceased's estate, or may be recorded by any other
37 interested party in the land records of the town where such real
38 property is situated.

39 (b) In all other cases where a defendant has been convicted of killing
40 another person, the right of such defendant to inherit or take any part
41 of the estate of the person killed or to inherit or take any estate as to
42 which such homicide terminated an intermediate estate, or hastened
43 the time of enjoyment, or to take any property as beneficiary or
44 survivor of the deceased shall be determined by the common law,
45 including equity.

46 (c) (1) A named beneficiary of a life insurance policy or annuity who
47 intentionally causes the death of the person upon whose life the policy
48 is issued or the annuitant, is not entitled to any benefit under the
49 policy or annuity, and the policy or annuity becomes payable as
50 though such beneficiary had predeceased the decedent.

51 (2) (A) A conviction under section 53a-54a, 53a-54b, 53a-54c, 53a-
52 54d, 53a-55 or 53a-55a, or a determination pursuant to subparagraph
53 (B) of this subdivision that a named beneficiary would have been

54 found guilty under any of said sections had the named beneficiary
 55 survived, shall be conclusive for the purposes of this subsection.

56 (B) For the purposes of this subsection, an interested person may
 57 bring an action in the Superior Court for a determination, by a
 58 preponderance of the evidence, that a named beneficiary who has
 59 predeceased the interested person would have been found guilty
 60 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a had
 61 the named beneficiary survived.

62 (C) In the absence of such a conviction or determination, the
 63 Superior Court may determine by the common law, including equity,
 64 whether the named beneficiary is entitled to any benefit under the
 65 policy or annuity.

66 (D) In any proceeding brought under this subsection, the burden of
 67 proof shall be upon the person challenging the eligibility of the named
 68 beneficiary for benefits under a life insurance policy or annuity.

69 (3) Any insurance company making payment according to the terms
 70 of its policy or annuity is not liable for any additional payment by
 71 reason of this section unless it has received at its home office or
 72 principal address written notice of a claim under this section prior to
 73 such payment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	45a-447

Statement of Legislative Commissioners:

In section 1, the phrases "For the purposes of this subdivision" and "For the purposes of this subsection" were inserted for accuracy.

JUD *Joint Favorable Subst.-LCO*